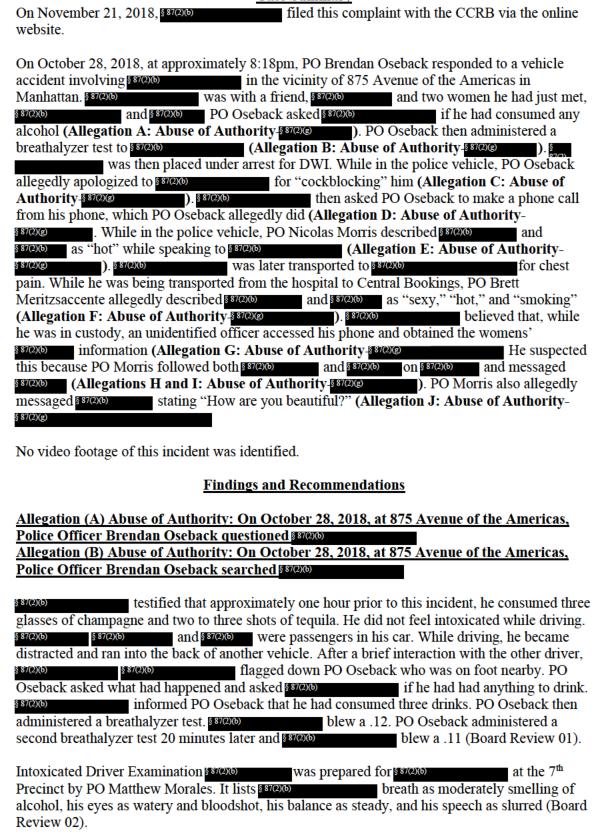
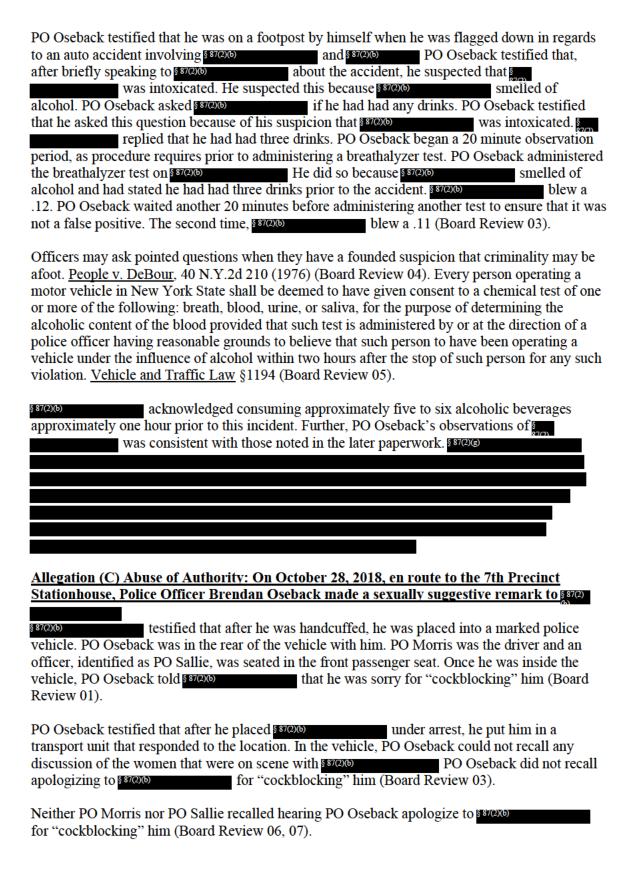
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
Isaac Forman		APU	201809746	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
		875 Avenue of the Americas; During transport; On social media		14	4/28/2020	12/13/2020
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CC	RB
Wed, 11/21/2018 4:24 PM CCRB		CCRB	On-line website Wed, 11/21/2018 4:24 PM		1	
Complainant/Victim	Туре	Home Addr	ress			_
Witness(es)		Home Addr	ress			
Subject Officer(s)	Shield	TaxID	Command			•
1. POM Brendan Oseback	08047	956994	MTS PCT			
2. POM Nicolas Morris	04054	964669	MTS PCT			
3. POM Brett Meritzsaccente	28117	950880	MTS PCT			
4. An officer			MTS PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Robert Sallie	16793	961230	MTS PCT			
Officer(s)	Allegatio	on		Inve	estigator Reco	nmendation
A.POM Brendan Oseback		on October 28, 2018, at s, Police Officer Brends		ed § 87(2)		
B.POM Brendan Oseback	Abuse: On October 28, 2018, at 875 Avenue of the Americas, Police Officer Brendan Oseback searched [8,87(2)]					
C.POM Brendan Oseback	Abuse: On October 28, 2018, en route to the 7th Precinct Stationhouse, Police Officer Brendan Oseback made a sexually suggestive remark to \$\frac{887(2)(b)}{2}\$					
D.POM Brendan Oseback	Abuse: On October 28, 2018, en route to the 7th Precinct Stationhouse, Police Officer Brendan Oseback searched s recording device.					
E.POM Nicolas Morris	Abuse: On October 28, 2018, en route to the 7th Precinct Stationhouse, Police Officer Nicolas Morris made a sexually suggestive remark to \$87(2)(b)					
F.POM Brett Meritzsaccente	Abuse: On October 29, 2018, en route to Manhattan Central Booking, Police Officer Brett Meritzsaccente made a sexually suggestive remark to \$857(2)(b)					
G. An officer		on an unknown date, at carched § 87(2)(b)	an unknown location s recording dev			

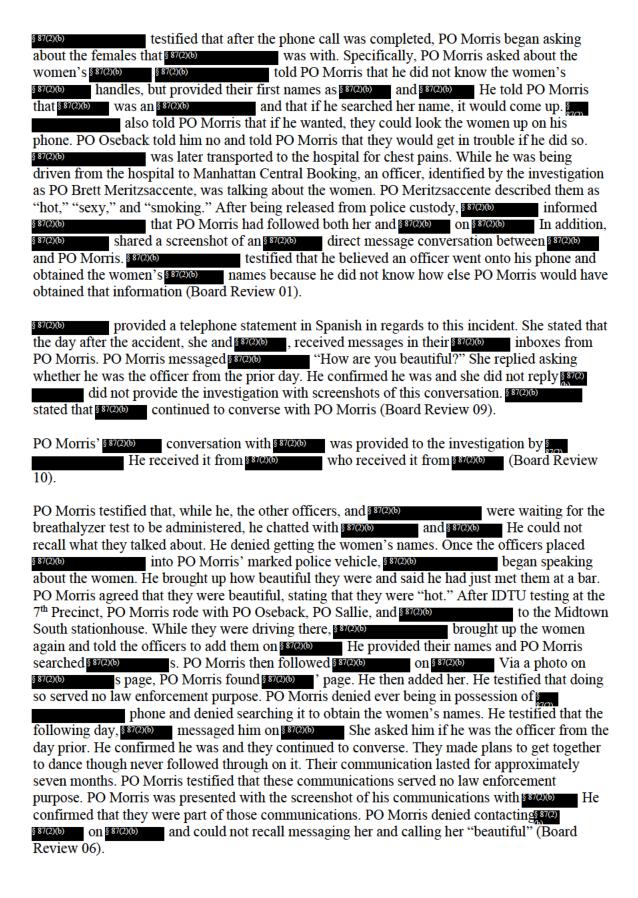
Officer(s)	Allegation	Investigator Recommendation
H.POM Nicolas Morris	Abuse: On October 29, 2018, on Social Media, Police Officer Nicolas Morris propositioned § 87(2)(b)	
I.POM Nicolas Morris	Abuse: On October 29, 2018, on Social Media, Police Officer Nicolas Morris propositioned an individual.	
J.POM Nicolas Morris	Abuse: On October 29, 2018, on Social Media, Police Officer Nicolas Morris made a sexually suggestive remarks \$ \$7(2)(b)	c to

Case Summary





§ 87(2)(g)
Allegation (D) Abuse of Authority: On October 28, 2018, en route to the 7th Precinct Stationhouse, Police Officer Brendan Oseback searched STORION STORIO
testified that, while in the police vehicle, he asked PO Oseback to make a phone call for him on cellphone. PO Oseback had retrieved phone from his after placing him into handcuffs. (a) explained to PO Oseback that he had cash in the vehicle from the restaurant he works at. He wanted provided the passcode for his phone to PO Oseback so that he could make the phone call. PO Oseback called (a) and relayed request that he retrieve the cash (Board Review 01).
PO Oseback testified that \$87000 mentioned having cash in his vehicle. PO Oseback permitted to retrieve the cash from the vehicle for \$87000 phone. He also denied \$87000 providing him with the passcode to the phone. PO Oseback testified that he vouchered phone (Board Review 03).
Neither PO Sallie nor PO Morris could recall PO Oseback making any phone calls on phone. Neither recalled any mention of cash in phone. Neither recalled providing PO Oseback, or any other officer, with the passcode to his phone (Board Review 06, 07).
Consent to search is voluntary when it is a true act of the will, an unequivocal product of an essentially free and unconstrained choice. <u>People v. Gonzalez</u> , 39 N.Y.2d 122 (1976) (Board Review 08).
While PO Oseback denied making a phone call on street phone, street testified that he requested such and that he provided the passcode for his phone.
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Allegation (E) Abuse of Authority: On October 28, 2018, en route to the 7th Precinct Stationhouse, Police Officer Nicolas Morris made a sexually suggestive remark to
Allegation (F) Abuse of Authority: On October 29, 2018, en route to Manhattan Central Booking, Police Officer Brett Meritzsaccente made a sexually suggestive remark to
Allegation (G) Abuse of Authority: On an unknown date, at an unknown location, an officer searched \$3000 s recording device.
Allegation (H) Abuse of Authority: On October 29, 2018, on Social Media, Police Officer
Nicolas Morris propositioned \$87(2)(6)
Allegation (I) Abuse of Authority: On October 29, 2018, on Social Media, Police Officer
Nicolas Morris propositioned an individual. Allegation (J) Abuse of Authority: On October 29, 2018, on Social Media, Police Officer
Nicolas Morris made a sexually suggestive remark to \$87000



PO Oseback testified that he could not recall any discussion of the women by or the officers. He denied hearing any reference to be either by either or any officer. PO Oseback testified that, once they were at the Manhattan South stationhouse, complained of chest pain and asked to go to the hospital. After a brief stay at the hospital, PO Oseback transported to Manhattan Central Bookings. PO Oseback testified that someone from Manhattan South had to have picked them up to transport them as he did not have a vehicle with him. PO Oseback could not recall who picked up him, nor whether it was a marked or unmarked police vehicle. PO Oseback testified that there was no discussion of the women during this transport. He could not recall any officer describing the women as "hot," "smoking," or "sexy." PO Oseback testified that he vouchered cellphone. He denied going onto the cellphone and did not observe any other officer do so. PO Oseback testified that the following day, PO Morris informed PO Oseback that he had messaged one of the women on PO Oseback did not know what he said nor how he obtained the woman's name (Board Review 03).
PO Meritzsaccente testified that he responded to the location of this incident to provide PO Oseback with a breathalyzer test. He then remained on scene until was transported. He did not know if there were female civilians on scene. PO Meritzsaccente had no recollection of transporting from the hospital to Manhattan Central Booking. He testified that he did not know who the MOS or male was that he was noted as transporting from to Central Booking in his memo book. He denied describing any females as "hot," "sexy," or "smoking" (Board Review 11).
Officers should be courteous and respectful. NYPD Patrol Guide , Procedure 203-09 (Board Review 12). Members of the service are prohibited from knowingly engaging in any type of social media contact (e.g., "friending," "following," etc.) with a suspect, witness, or crime victim if that officer was either involved in the incident, or the officer became acquainted with that victim or witness during or because of the incident and the matter is under investigation or pending in a criminal court. NYPD Patrol Guide , Procedure 203-28 (Board Review 13).
PO Morris acknowledged commenting to \$87(2)(6) about the attractiveness of \$87(2)(6) and \$87(2)(6) when he called them "hot." \$87(2)(6)
§ 87(2)(g)
As \$37(2)(0) did not see any officer conduct a search of his phone and there is no evidence that indicates any specific officer may have done so, \$37(2)(0)
It is undisputed that PO Morris followed both \$87000 and \$87000 on \$87000 immediately after this incident, in violation of the above-noted Patrol Guide procedure. Further shading PO
Morris' actions are his later messages to \$87(2)(6) where they discuss going out and dancing.

§ 87(2)(g)			
§ 87(2)(g)			
	<u>Civilian</u>	and Officer CCRB Histories	
Review This is 15). This is PO Mo	the first CCRB complaint to the first CCRB complaint to rris has been a member-of-s		ubject in one
		f-service for four years and has been on, which was not substantiated.	
	complaint to which he has l	nber-of-service for eight years and th been a subject. C ivil and Criminal Histories	is is the first
 As of A 		r mediation. rk City Office of the Comptroller has ards to this complaint (Board Review	
Squad No.:	1		
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date